

AO 471 (12/03) (Rev. 03/06 WDTX) Order of Temporary Detention

Filed

03/10/17
Clerk, U. S. District Court
Western District of Texas

By

Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(1) LILIANA Y. HERNANDEZ
Defendant§
§
§
§
§ORDER OF TEMPORARY DETENTION TO
PERMIT REVOCATION OF CONDITIONAL
RELEASE, DEPORTATION OR EXCLUSION

Case Number: SA:17-M -00059(1)

I find that the Defendant:

☒

is, and was at the time the alleged offense was committed:

☐

on release pending trial for a felony under federal, state or local law.

☐

on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law.

☒

on probation, supervised release, or parole for an offense under federal, state, or local law; or

☐

is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101 (a)(20).

I further find that the Defendant may:

☒flee, and/or ☒ pose a danger to another person or the community.

I accordingly ORDER the detention of the defendant without bail to and including

March 22, 2017 at 10:00 AM

, which is not more than ten days from the date of this Order, excluding Saturdays, Sundays, and holidays, at which time a **ARRAIGNMENT / DETENTION HEARING** will be held in Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655 East Cesar E. Chavez Boulevard, San Antonio, TX.

I further direct the attorney for the Government to notify the appropriate court, probation or parole official, or state or local law enforcement official, or the appropriate official of the Immigration and Naturalization Service so that the custody of the Defendant can be transferred and a detainer placed in connection with this case.

If custody is not transferred by the above date, I direct the production of the Defendant before me on that date so that further proceedings may be considered in accordance with the provisions of 18 U.S.C. § 3142.

10th day of March, 2017

Date


JOHN W PRIMOMO
U.S. MAGISTRATE JUDGE

6/7/2011 Waiver of Detention Hearing

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(1) LILIANA Y. HERNANDEZ

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§

NO: SA:17-M -00059(1)

WAIVER OF DETENTION HEARING

At the initial appearance, the government requested that I be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f).

I am aware of my right to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure my appearance in court and the safety of the community. I know that if I waive my detention hearing, I will remain in custody pending trial. By signing this Waiver of Detention Hearing I acknowledge that I have no questions and understand my rights and the consequences of waiving those rights, and agree to be detained without bond pending trial.

Date

Defendant

Name of Attorney for Defendant (Print)

Date

Signature of Attorney for Defendant

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

vs.

(1) LILIANA Y. HERNANDEZ

§
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§
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§

NO: SA:17-M -00059(1)

FORM NOTICE TO:

- (A) WAIVE PERSONAL APPEARANCE AT ARRAIGNMENT AND ENTER PLEA OF NOT GUILTY, OR ALTERNATIVELY PROVIDE STATEMENT REGARDING CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE;**
- (B) WAIVE MINIMUM TIME TO TRIAL; AND**
- (C) CONSENT TO DISPOSITION OF MISDEMEANOR OFFENSE BY A UNITED STATES MAGISTRATE JUDGE**

**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT AND ENTRY
OF PLEA OF NOT GUILTY**

NOW COMES Defendant in the above-referenced case who, along with his/her undersigned attorney, hereby acknowledges the following:

- 1) Defendant has received a copy of the charging document in this case.
- 2) Defendant has read the charging document or had it read to him/her.
- 3) Defendant understands he/she has the right to appear personally with his/her attorney before a Judge for Arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he/she will be so arraigned in open Court.

Defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the charging document and, by this instrument, tenders his/her plea of "not guilty". The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes. Defendant request the Court accept his/her waiver of appearance and enter a plea of "not guilty."

Date

Defendant

Name of Attorney for Defendant (Print)

Date

Signature of Attorney for Defendant

THIS WAIVER FORM MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON THE DAY BEFORE THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED BY THAT TIME, THE DEFENDANT AND DEFENDANT'S ATTORNEY MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.

**STATEMENT REGARDING CONSENT TO ARRAIGNMENT BY
VIDEO TELECONFERENCE**

The U.S. Magistrate Judge may conduct arraignment by video teleconference if the defendant consents. *See* FED. R. CRIM. P. 10(c).

PLEASE INDICATE YOUR CONSENT OR NON-CONSENT TO AN ARRAIGNMENT BY VIDEO TELECONFERENCE BELOW:

_____ **I CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE**

_____ **I DO NOT CONSENT TO ARRAIGNMENT BY VIDEO TELECONFERENCE**

Date

Defendant

Name of Attorney for Defendant (Print)

Date

Signature of Attorney for Defendant

NO RESPONSE OR OMISSION OF THIS PAGE WILL BE INTERPRETED AS AN INDICATION THAT THE DEFENDANT INTENDS TO CONSENT TO THE MAGISTRATE JUDGE CONDUCTING THE ARRAIGNMENT BY VIDEO TELECONFERENCE.

WAIVER OF MINIMUM TIME TO TRIAL

Defendant understands that he/she has a right to a minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he/she will not be brought to trial during this thirty (30)-day period.

Defendant, having conferred with his/her attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

 Date

 Defendant

 Name of Attorney for Defendant (Print)

 Date

 Signature of Attorney for Defendant

**NOTICE OF RIGHT TO CONSENT
TO DISPOSITION OF A MISDEMEANOR**

The U.S. Magistrate Judge may conduct proceedings in any and all Class A misdemeanor cases, including a jury or non-jury trial, if the defendant voluntarily consents thereto, and for Class B and C misdemeanors and infractions regardless of consent.

PLEASE INDICATE ONE OF THE FOLLOWING WITH A CHECK MARK:

☐ **I CONSENT TO MAGISTRATE JUDGE JURISDICTION.**

☐ **I DO NOT CONSENT TO MAGISTRATE JUDGE JURISDICTION.**

NO RESPONSE OR OMISSION OF THIS PAGE WILL BE INTERPRETED AS NOT CONSENTING TO MAGISTRATE JUDGE JURISDICTION AND CASE WILL BE ASSIGNED TO A U.S. DISTRICT JUDGE.

 Date

 Defendant

 Name of Attorney for Defendant (Print)

 Date

 Signature of Attorney for Defendant